Sectt. II-27—100,006—21-5-51.

Finance (1955/48) Department.

M/o SERIES.

G.O. No. 1180

Dated 13-12-48

[Despatch Abstract.]

Fundamental Rules - Fundamental Rule 36 - Temporary delegation of powers to Heads of Departments - Withdrawal ordered.

FINANCE DEPARTMENT

A draft Memorandum is submitted for approval. After issue the papers may be recorded.

" Recorded.

G.O. Ms. No. 1180. Dated 13.12.1948.

x x x
9.12.

Fundamental Rules - Fundamental Rule 86 - Temporary delegation of powers to Heads of Departments - Withdrawal - Ordered.

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FINANCE (C.S.R.) DEPARTMENT

NOTE FOR CABINET

Sub:- Fundamental Rules - Fundamental Rule 86 - Delegation of powers to Heads of Departments.

Under Fundamental Rule 86, the Government are competent to sanction leave in the following cases:-

(a) in cases where leave preparatory to retirement is refused on public ground, the refused leave may be granted after the date of compulsory retirement.

(b) In cases of extension of services, the leave refused under Fundamental Rule 86(a) and the leave earned during the period of extension may be granted during or on the termination of the extension of service subject to a maximum of 6 months.

(c) In cases of re-employment after retirement, the leave refused under F.R. 86(a) may be granted subject to a maximum of 6 months during the period of re-employment or on its termination.

Under the instruction under Fundamental Rule 86, all leave under this rule should be sanctioned by the Government with a view to eliminate unnecessary correspondence and as the grant of leave refused is a formal matter, the powers were delegated to the Heads of Departments to grant leave under Fundamental Rule 86 to non-gazetted subordinates under their control, for the duration of the war. The delegation was continued from time to time and finally expired on 1.9.1948.

The question for consideration is whether the powers delegated to Heads of Departments to grant leave under Fundamental Rule 86 should be continued after 1.9.1948 either temporarily or permanently or should be withdrawn altogether.

The question of granting leave under Fundamental Rule 86 arises not only in the case of persons who may be reemployed after retirement, but also in the case of persons who will be retired on the date of attaining the age of 55, but whose application for leave preparatory to retirement have to be refused in the exigencies of service. Taking for example, the case of a Professor in charge of a special subject who applies for leave just a month or two before the close of the academic year, it may be necessary to refuse the leave until the close f the academic year and grant the leave after. Though cases of refusal of leave under Fundamental Rule 86 in the exigencies of service will not be many, it will meansome increase of work in the Secretariat and also in the offices of subordinate authorities if all applications under Fundamental Rules 86 are to be submitted for the orders of the Government.

2. This Department held ~~that in~~ the view that it would be desirable to delegate as a permanent measure to Heads of Departments the power of granting leave to non-gazetted officers

under their control under Fundamental Rule 86. Public agreed with the views of this Department. Hon'ble Minister (Finance) also was in favour of the proposal.

3. Hon'ble Premier has minuted as follows:-

"It should come before the Ministers".

O.P.R.
14.10.48.

4. The point for orders is whether the power of granting leave to non-gazetted officers under their control under Fundamental Rule 86 may be delegated to the Heads of Departments as a permanent measure or temporarily or should be withdrawn altogether.

x x x
19.10.

MEETING OF THE COUNCIL OF MINISTERS HELD AT FORT ST. GEORGE ON THURSDAY, THE 25TH NOVEMBER 1948.

The Hon'ble the Premier Presided.

PRESENT.

1. The Hon'ble Dr. T.S.S. Rajan.
2. The Hon'ble Sri. M. Bhaktavatsalam.
3. The Hon'ble Sri. B. Gopala Reddi.
4. The Hon'ble Sri. H. Sitarama Reddi.
5. The Hon'ble Sri. K. Chandramouli.
6. The Hon'ble Sri. T.S. Avinashilingam.
7. The Hon'ble Sri. K. Madhava Menon.
8. The Hon'ble Sri. Kala Venkata Rao.
9. The Hon'ble Sri. A.B. Shetty.
10. The Hon'ble Sri. V. Kurmayya.
11. The Hon'ble Sri. S. Gurubatham.

Agenda.

12. Fundamental Rules - Fundamental Rule 86 - Delegation of powers to Heads of Departments.

Order:-

It was decided that the power of granting leave to non-gazetted officers under their control under Fundamental Rule 86 should not be delegated to Heads of Departments, but should be withdrawn altogether.

O.P. Ramaswamy Reddy.

K. Ramunni Menon,
Finance.

GOVERNMENT OF MADRAS.
Finance Department.

Memorandum No. 65524/CSR-5 dated 9th December 1948.

Sub:- Fundamental Rules - Fundamental Rule 86 - Temporary delegation of powers to Heads of Departments - Withdrawn.

Ref:- G.O. No. 210, Finance, dated 5.3.1948.

The Heads of Departments and Departments of the

Secretariat are informed that it has been decided not to renew the delegation of power under Fundamental Rule 86 last sanctioned in the Government Order cited.

x x x
9.12.

To

The Heads of Departments.
The Departments of Secretariat.
The Accountant-General, Madras.

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/True copy/

Superintendent,
Madras Record Office.

k.y.s. 27.7.

217.